

City of LaVerkin

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LaVerkin City Council Meeting Minutes

Wednesday, June 19, 2013 6:00 p.m.

Council Chambers, 111 S. Main, LaVerkin, Utah

Present: Mayor Karl Wilson; Council-Members: Randy Reeve, Richard Hirschi, Phil Jensen, Brandon Stephenson and Ray Justice; Staff: Derek Imlay, Troylinn Benson, Kevin Bennett, Chief Lloyd Watkins, and Christy Ballard; Public: Blair Gubler, Rose Valenti, and Jake Bulkley.

Councilmen Randy Reeve is present via telephonic participation.

- A. Called to Order** – Invocation and Pledge of Allegiance by Richard Hirschi at 6:00pm.
- B. Consent Agenda:** (Items on the consent agenda may not require discussion. These items will be a single motion unless removed at the request of the Mayor or City Council.)
1. Declarations of conflict of interest
 2. Agenda
 3. June 5, 2013 regular meeting minutes
 4. Review Invoices and Checks: \$151,379.85

Motion was made by Councilman Richard Hirschi to approve the consent agenda as written including the June 5, 2013 meeting minutes and checks and invoices in the amount of \$151,379.85, second by Councilman Brandon Stephenson. Roll Call Vote: Hirschi-yes, Reeve-yes, Jensen-yes, Stephenson-yes, Justice-yes. Motion carried unanimously.

C. Committee Reports:

1. Planning Commission – Councilman Hirschi reported Kevin had a draft form of the animal (non-pet) ordinance ready for the meeting. The Commissioners made some changes to it, staff will incorporate those changes for the next meeting where they will review the new form and possibly set a public hearing for the August meeting.
2. Water Board – Mayor Wilson will report on water during his report. The Water Board has not met.
3. Sewer Board–Blair went over the two projects Ash Creek has been working on in Toquerville and Hurricane replacing the laterals. They are part of the reason for the rate increase from Ash Creek that will be discussed in Business item 4. He explained that the projects are needed but expensive. When discussing the possible ways to recoup some of the money it was decided to increase the fee.

Mayor Wilson reported that the \$1increase will also help cover the cost of improving the Headworks.

Councilman Jensen asked if communities are wanting laterals to vacant lots can't the money be Recouped from the building permits.

Blair said that will be brought up at the next board meeting.

Mayor Wilson said the last engineer report stated that fees should be \$34 per month, after the Increase the fee is \$25.

4. Fire District-Chief Kuhlmann reported that there has been at least one fire a day lately. Fire restrictions are in place. If staff needs to do any hot work, call the Fire District and they will send a vehicle over to assist.

Mayor Wilson said that with the Interlocal Agreement that is in place and the quick response time we have, it does save the citizens of La Verkin money. When you value the amount of money being spent remember to value the quick service we are receiving and the amount of money that saves us.

Chief Kuhlmann said that the Governor is concerned with catastrophic wildfire risk. A task force was put together, Chief Kuhlmann has been asked to be part of it. They have been discussing some areas of concern the cities have had such as the cost of fires and the ability to participate in the Wildlife Suppression Fund.

D. Citizen Comment & Request for Future Agenda Items:

No comments were made.

E. Business:

1. Presentation, discussion and direction on Sunset View Estates Subdivision.

Derek explained current code requires a new subdivision provide irrigation with 35psi. This number is the minimum amount of pressure needed to operate a sprinkling system well. Sunset View Estates has encountered some issues with this requirement.

Brant Tuttle with Northern Engineering is here representing the project.

Derek passed out a letter from Sunrise Engineering addressing this concern and giving their recommendation. The Soils report has come back showing more issues than staff had originally anticipated.

Derek began reading through the letter.

The first time work was started on the subdivision the engineer at the time did a study to determine the minimal amount of irrigation water pressure needed to maintain the lots as they currently were. The number they came up with was 20psi. That is still keeping within the amount required to run a drip system.

The City is concerned that the existing irrigation main line for the development is constructed of low quality P.I.P. pipe that could collapse and the installation of an irrigation booster pump will add additional equipment that the City will have to maintain.

This item has been brought to the City Council in hopes they will grant Sunset View Estates subdivision an exception to the 35psi rule. It will require an ordinance change.

The reasons from the City are the soil condition, the concern of the P.I.P. pipe, and the maintenance of the pump station and/or detention basin. Along with the recommendation from the Soils Engineer who is requesting no water be applied.

If approved, the soils condition will show on the plat map, specifically the lots most affected along with a statement that La Verkin City does not guarantee 35psi irrigation water pressure in this subdivision.

Brant Tuttle reported that the pressurized irrigation system was put in during the original construction of the project. The booster pump station and the line that ties into the P.I.P. pipe have not been installed. His experience with the pipe has not been good because it is so thin. So that and the concern from the Soils Report the developer does not want to encourage water use on the outside area lots.

Derek said that the infrastructure and the roads are all in for that subdivision. The positive side of that is right now the irrigation line is a dead end on Webb Street and on 400 North. The developer will still be

required to make the connection on both of those streets which will create a loop system which should help maintain a more constant water pressure for everyone on that line.

Staff is just very concerned with the soil and what overwatering could do.

Every piece of property will be hooked up to irrigation but will not have 35psi.

Councilman Stephenson asked if it would be better to not connect to the irrigation at all.

Derek replied that by ordinance every subdivision that comes into the City has to connect to irrigation. We need to create an exception to the ordinance that states if any subdivision meets certain criteria along with City Council approval the exception would go into effect.

The Soils report for Sunset View Estates states if there is vegetation, a drip system is recommended but they would prefer no landscaping go in. All of this will be on the plat.

Staff is in support of this.

Brant Tuttle explained that the developer is in favor of this as well and not just to save money. There have been some storm drain issues and recommended rock berms that are going to be put in as well as loosing several lots due to the condition of the soil. The developer will be putting in more money than he originally thought.

Mr. Tuttle is in favor of the exception and feels that what has been done and what will be done is an improvement from the original project.

Councilman Hirschi asked if at a later date 35psi could be available since the system is already in and if the CC&R's would not allow grass.

Derek explained that irrigation will be at every lot but the system that would give each lot 35psi will not be put in. Individual property owners could buy residential grade pump for their own system and that would be okay because it wouldn't impact the system much.

Kevin said that there will not be CC&R's for this subdivision.

He pointed out that part of what holds the soil together is plant life. So while we need to be concerned with overwatering we also don't want everything eroding onto the properties below.

He would not say the properties are not allowed to have grass. There are requirements listed to not overwater and that encourage Xeriscape, which means water wise landscaping to give an adequate root system to hold the soil in place.

Councilman Jensen said that we do need to be careful, we are talking about irrigation but is that allowing people to have whatever landscape they want if they water with culinary.

Kevin pointed out that we do have a 35psi requirement on the culinary water system. He does not have irrigation available at his house, he waters with culinary.

Mayor Wilson said that under water law people are responsible for how they use their water and that is what should be focused on.

He has been concerned with putting in a pump station for the subdivision. If an irrigation system has been put in properly there is a lot that can be done with 20psi and if there is ever a break there is a lot less damage from 20psi than 35psi.

He also mentioned that if 30 years ago the type of pipe that was recommended was used instead of the cheaper P.I.P. pipe. It would have cost a little bit more back then but would be saving us time and money now. He agrees with staff's recommendation on this.

Kevin asked if the Councilmembers would like the exception written that staff could make the determination or does it need to go to the Board of Adjustments.

Mayor Wilson said that the way Derek presented it in order for the exception to be made, certain criteria have to be met with staff and then it will go to City Council. The Water Board should also be included to advise the Council.

Councilman Justice asked if the people buying these homes will know of the potential problems if they overwater.

Brant replied that it will be placed on the plat and designated which lots the Soils Report shows have the problems. The Soils Report will also be on file.

Mayor Wilson said that meets the developer's responsibility and by the City requiring it protects the City as well.

Brant explained that the lots with the issue will be required to do some special foundation treatments, which will be on the plat too. The building permit will have a sight specific soil design stamp and review requirement to help with the liability and notification.

Kevin asked if there was a way other than going to the County Recorder's Office to view the plat to find out about these requirements.

Brant wondered if there was a way to attach the Soils Report to the subdivision so a title search would pick it up.

Mayor Wilson explained that under real estate law it is the buyer and their real estate agent that is responsible to do their due diligence. If the proper documentation has been done La Verkin is protected.

Derek said that the City requires the soil engineer does their study before a building permit is issued so the property owner would just be out the price of the lot if there was a problem.

The direction from the Council was to draft an exception to the ordinance.

2. Discussion and possible action to approve an Equipment Financing Contract for a new Operations vehicle with Zions Bank.

Derek reported that the vehicle is a 2013 GMC ¾ ton. It has been put in the budget as a lease with the end result of purchasing the vehicle.

Kevin has reviewed the agreement and is okay with it. It does include the ability to back out on a non-appropriation clause. He had also talked to Derek about the bid process Derek told him the vehicle was off the State Contract so we are in compliance.

Councilman Hirschi asked if staff considered going with a diesel vehicle.

Derek answered that they did compare the diesel truck the City owns with the other gasoline trucks and the cost of maintaining the diesel truck is much higher than the gas trucks.

Blair reported that Ash Creek recently purchased 2 CNG trucks they are trying out to see how economical they are.

Kyle pointed out that as of right now it would be 25 miles round trip to get fuel and that would be a lot of employee time.

Motion was made by Councilman Brandon Stephenson to approve the Equipment Financing Contract with Zions Bank for the purchase of a new operations vehicle, second by Councilman Richard Hirschi. Roll Call Vote: Justice-yes, Stephenson-yes, Jensen-yes, Hirschi-yes, Reeve-yes. Motion carried unanimously.

3. Discussion and possible action to approve Resolution No. R-2013-12; A resolution setting the Property Tax Levy for La Verkin City.

This is a mandatory item and needs to be given back to the County Clerk by June 22nd.

Motion was made by Councilman Richard Hirschi to approve Resolution No. R-2013-12; A resolution setting the Property Tax Levy for La Verkin City, second by Councilman Phil Jensen. Roll Call Vote: Reeve-yes, Hirschi-yes, Jensen-yes, Stephenson-yes, Justice-yes. Motion carried unanimously.

4. Discussion and possible action to approve Ordinance No. 2013-05; An ordinance approving and adopting an increase in monthly sewer fees for residents and businesses within the City of La Verkin.

This item was discussed a little bit in the Sewer Board report. There was an amended copy at each of the Councilmembers and Mayors chair. Kevin explained the change he made to the ordinance. The first draft did not repeal the existing fees. In 2009 we adopted the Operational Rules which indicated that whenever Ash Creek raised their rates we would, by ordinance, amend our fee schedule.

Motion was made by Councilman Ray Justice to approve Ordinance No. 2013-05; An ordinance approving and adopting an increase in monthly sewer fees for residents and businesses within the City of La Verkin, second by Councilman Richard Hirschi. Roll Call Vote: Justice-yes, Stephenson-yes, Jensen-yes, Hirschi-yes, Reeve-yes. Motion carried unanimously.

5. Discussion and possible action to approve Ordinance No. 2013-06; An ordinance amending certain provisions of Chapter 9 Title 4, of the La Verkin City Code, relative to the use, discharge, and sale of fireworks; and providing an effective date

Kevin recommended pulling this item. After discussing this item with the Fire Chief and Police Chief it was determined we should hold off on this for now.

Motion was made by Councilman Richard Hirschi to table this business item, second by Councilman Brandon Stephenson. Motion carried unanimously.

6. Discussion and possible action to approve Resolution No. R-2013-13; A resolution restricting the use of fireworks.

Kevin explained that this is based on current law. There are two options available before the Council; they are similar to the ones presented last year.

Right now we are in Stage one. If nothing is done we will stay in Stage one. Stage two restricts fireworks to certain locations, Stage three states individuals cannot set fireworks off, only the City is allowed to and Stage four is that no one, including the City will set off fireworks.

Kevin did some research and at midnight tonight all of the land around us will be subject to a prohibition of fireworks. All State, Federal, and private lands of unincorporated areas in the Southwest District of the State and the Northwest portion of Arizona will be going into a state of sever restrictions of any fire producing activity.

The two different options presented are; Option one limiting fireworks to Wanlass Park and Vintage Park and any city street that is more than 100 feet from a hillside. Option two restricts fireworks to strictly the parks. This is the option that was done last year.

Kyle asked if Confluence Park has fire restrictions.

Mayor Wilson replied that fire in Confluence Park is always restricted unless permitted and fireworks will never be allowed down there.

Kevin reported that the restriction goes through the end of February unless the Council rescinds it. It also allows the Mayor to declare an emergency until the Council can meet to appeal or amend the resolution.

Councilman Hirschi asked what Chief Watkins recommends.

Chief Watkins answered that he thought Chief Kuhlmann would recommend limiting fireworks to the parks only and he would back him up on that. Limiting the area helps the police department as well. So his position would be to recommend option two.

Mayor Wilson went over the three options the Councilmembers have to choose from. Option A is to do nothing, leave it at a Stage one, option B is limit fireworks to parks and city streets not within 100 feet of a hillside, or option C restrict them to parks only.

Motion was made by Councilman Richard Hirschi to accept Option two restricting fireworks to Wanlass Park and Vintage Park, second by Councilman Ray Justice.

Councilman Jensen commented that the reason we are doing this is for public safety and the fire issue. This restriction goes until February; in January if there is not a threat of fire could there be an option to change it.

Kevin replied that it does state in the resolution the restriction automatically goes until February unless it is repealed or amended by the Council at any time.

Kyle asked if the restriction affects the fire barrels during Winterfest.

It was answered that the resolution only affects fireworks so the burn barrels will be fine.

Roll Call Vote: Reeve-yes, Hirschi-yes, Jensen-yes, Stephenson-yes, Justice-yes. Motion carried unanimously.

7. Discussion and possible action to cancel the July 3, 2013 City Council meeting.

Motion was made by Councilman Ray Justice to cancel the July 3, 2013 City Council meeting, second by Councilman Brandon Stephenson. Motion carried unanimously.

Mayor Wilson suggested the Councilmembers look at the ordinance that states city council meetings have to be canceled at an official city council meeting. That goes beyond what State Law requires.

F. Staff, Mayor & Council Reports:

City Administrator- Kyle Gubler

Kyle passed out a copy of his report.

1. Ann Wixom has asked that the Mayor and City Council members help serve the food for the July 4th celebration. The parade line up is at 8am.
2. Chris Mathews would like to sponsor a La Verkin Mud Run. Kyle Lovelady is working with him on that.
3. Celtic Bank has given the City a donation for Crescent Park.
4. CIB application has been approved. The City was awarded the grant/loan combination.
5. Ann E. Wixom, Richard Hirschi, and Kerry Thell Gubler are running for Mayor. Darwin DeMille, Josh Melessa, Ray Justice, Kenneth E. Hooten, and Chantelle Mertlich Browning are running for the two City Council seats. Primary will be August 13th.

Public Safety- Chief Lloyd Watkins

The officers have been busy with four arrests in the last three days. Our officers are doing a great job. Someone tried to break into the animal shelter the officers were handling that when he came to this meeting.

Director of Operations-Derek Imlay

1. The first project for the second Water Meter Grant started this month. We are doing 83 meters a month.
2. The crew cleaned up the area around the lower tank.
3. He is still waiting for the warranty to come back to close the Roof Project.
4. Water breaks have not been an issue the last couple of weeks.
5. Thanked Councilman Hirschi for spraying the weeds.
6. The Crescent Park project has received the go ahead from Scott Snow with UDOT. So the concrete will be going in next week. The goal is to have it finished in three months.
7. Family Dollar has run into an electrical issue. The location of Rocky Mountain Power's line is a problem so the store has to wait for the line to be moved.

Treasurer-Troylinn Benson

There were 153 notices, 102 door hangers, and 12 shut offs. Six are still off, 2 we know are vacant.

She handed out the Financial Report.

Councilman Hirschi commented the ladies in the office have to have a good temperament to deal with the things they do.

Mayor Wilson said in his opinion La Verkin City has a great Water Rates ordinance. The City had to write off too much that other citizens had to pay for so we finally had to take a firm stance on the payment policy. The citizens receive plenty of notices before the water is actually shut off.

Mayor Wilson:

Complimented Derek and all of the Staff for all of the hard work they do for the City.

Areas at the north end of the State have gone to restricting water usage. We need to be aware of the water situation but La Verkin does have priority water rights. We would have to have 2-3 years with the current conditions before we would need to have severe water restrictions.

Jensen: Nothing to report.

Justice: Confluence Park meeting did not have a quorum but they still discussed a few things. There are several events that will be happening in the Park. La Verkin will host a July 4th run/walk. Hurricane Hills River Run will also be that weekend. Hurricane has decided to not sponsor the event, a business in St. George will sponsor it and all proceeds will go to the HHS cross country team. An LDS youth group will be doing a service project on July 20th and on October 26th the Boy Scouts of America will be doing service project.

His other meetings are next month.

Hirschi: Nothing to report.

Reeve: Kyle reported on the July 4th celebration so he has nothing.

Stephenson: He has been riding with Derek and his crew has been doing a good job. The new truck is needed. Kyle Lovelady has been using his personal vehicle to do City business. The Silver Acres project will greatly increase the value of our city and is needed for the people who live in that area. He thanked Kyle for all the work in getting the grant for the project.

Mayor Wilson will be working with Derek and Kyle to come up with a 20 year road maintenance plan. There are two areas we are behind in at the City. We are furthest behind on the streets; the next is being 1-2 people short on our law enforcement.

He also complimented the candidates in attendance for being at the meeting to catch up on the current issues.

Motion was made by Councilman Ray Justice to adjourn to an executive session to discuss a personnel issue-located at 111 S. Main, second by Councilman Brandon Stephenson. Motion carried unanimously at 7:37pm.

Motion was made by Councilman Ray Justice to close the Executive Session and return to regular session, second by Councilman Brandon Stephenson. Motion carried unanimously at 7:10pm.


Reconvened to regular meeting at 8:22pm.

Adjourn:


Motion was made by Councilman Ray Justice to adjourn, second by Councilman Brandon Stephenson. Motion carried unanimously at 8:23pm.

Minutes were taken on behalf of the City Recorder by Christy Ballard.

July 17, 2013
Date Approved



Mayor, Karl Wilson

ATTEST: 

Kyle Gubler
City Recorder